

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT CURTIS POWELL,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-18-992-F
)	
WILLIAM HOBBS, et al.,)	
)	
Defendants.)	

ORDER

On November 9, 2018, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation, recommending the court: (1) dismiss, with prejudice, the 42 U.S.C. § 1983 claims against defendant, Comanche County Detention Center, and (2) dismiss, without prejudice, the 42 U.S.C. § 1983 claims against defendants, William Hobbs and Diana Ortega. Magistrate Judge Erwin advised plaintiff of his right to object to the Report and Recommendation and that any objection must be filed with the court clerk by November 27, 2018.

On November 19, 2018, the court received an unsigned hand-written postcard from plaintiff, which was filed of record by the court clerk as an objection to the Report and Recommendation issued by Magistrate Judge Erwin. As it was not clear whether plaintiff intended that document to be his objection to the Report and Recommendation, the court entered an order on November 20, 2018 granting plaintiff additional time, until December 11, 2018, to file an objection to the Report and Recommendation issued by Magistrate Judge Erwin. The court advised plaintiff that if it did not receive any objection from plaintiff by December 11, 2018, the court would construe the document it received from plaintiff as plaintiff's objection to the


Report and Recommendation and would proceed with a ruling without further notice to plaintiff.

To date, plaintiff has not filed any further document addressing the Report and Recommendation.

The Tenth Circuit has determined that “a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996). Here, plaintiff has not filed an objection sufficiently specific to preserve any issue for de novo review by this court. The court thus applies the waiver rule and accepts, adopts and affirms the Report and Recommendation.¹

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin is **ACCEPTED, ADOPTED** and **AFFIRMED**. Plaintiff’s 42 U.S.C. § 1983 claims against defendant, Comanche County Detention Center, are **DISMISSED WITH PREJUDICE**, and plaintiff’s 42 U.S.C. § 1983 claims against defendants, William Hobbs and Diana Ortega, are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this day of December, 2018.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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¹ The Tenth Circuit has recognized that the waiver rule will not apply where the ends of justice dictate otherwise. Talley v. Hesse, 91 F.3d 1411, 1413 (10th Cir. 1996) (citing Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)). The court finds the ends of justice do not dictate that the waiver rule not apply in this case.